

05/05/2000

1765109 - R8 SDMS

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
U.S. DISTRICT COURT
DISTRICT OF COLORADO

2000 MAY -5 AM 11:01

JAMES R. HANSPEAKER
CLERK

Civil Action No. 00-X-28

BY _____ DEP. CLK

IN THE MATTER OF

RICO ARGENTINE MINE:
ST. LOUIS TUNNEL AND
ASSOCIATED TREATMENT PONDS,
RICO, COLORADO

NOTICE OF SERVICE OF
ADMINISTRATIVE WARRANT
ON WAYNE WEBSTER

COMES NOW the United States by and through the United States Attorney for the District of Colorado, and files the within Notice of Service of Administrative Warrant on Wayne Webster, and states as follows:


1. On April 24, 2000, a true and correct copy of the ADMINISTRATIVE WARRANT TO DETERMINE THE NEED FOR, AND TO UNDERTAKE, RESPONSE ACTION PURSUANT TO THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT, 42 U.S.C. §§ 9601 ET SEQ. ("Warrant") was served on Mr. Wayne Webster.

2. The original Warrant is attached hereto as Exhibit 1 with the original return of service attached thereto.

Dated this 5th day of May, 2000.

Respectfully submitted,

THOMAS L. STRICKLAND
United States Attorney



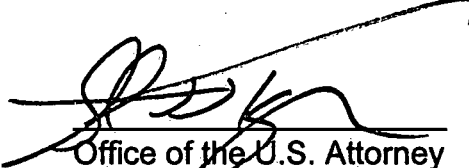
STEPHEN D. TAYLOR
Assistant United States Attorney
1961 Stout Street, Suite 1100
Denver, CO 80294
Telephone: (303) 844-3885

CERTIFICATE OF MAILING

I hereby certify that on this 5th day of May 2000, a true and correct copy of the foregoing NOTICE OF SERVICE OF ADMINISTRATIVE WARRANT ON WAYNE

WEBSTER was mailed, postage prepaid, to:

Mr. Wayne Webster
5345 Impala South Road
Athens, TX 75751



Office of the U.S. Attorney

EXHIBIT 1

REC'D APR 18 2000

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

H.C.S.D.
RECEIVED

APR 20 2000

Civil Action No.

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IN THE MATTER OF

RICO ARGENTINE MINE:
ST. LOUIS TUNNEL AND
ASSOCIATED TREATMENT PONDS,
RICO, COLORADO

**ADMINISTRATIVE WARRANT TO DETERMINE THE NEED FOR,
AND TO UNDERTAKE, RESPONSE ACTION PURSUANT TO
THE COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT,
42 U.S.C. §§ 9601 ET SEQ.**

To Tien Nguyen of the United States Environmental Protection Agency, Region
VIII, and any other duly authorized representative of the United States Environmental
Protection Agency:

The Court has considered the APPLICATION OF THE UNITED STATES
FOR WARRANT TO DETERMINE THE NEED FOR AND TO UNDERTAKE
RESPONSE ACTION PURSUANT TO THE COMPREHENSIVE ENVIRONMENTAL
RESPONSE, COMPENSATION AND LIABILITY ACT, 42 U.S.C. §§ 9601 ET SEQ.
authorizing EPA, its employees, officers, and authorized representatives to enter into
and upon the Rico Argentine Mine's St. Louis Tunnel and its associated settling ponds
(the "Property") located in or near the Town of Rico, Colorado, and owned by Wayne
Webster, an individual, for the purpose of determining the need for response, or
choosing or taking a response action pursuant to the Comprehensive Environmental

Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. §§ 9601 et seq. EPA has demonstrated the requisite probable cause for access to the Property under CERCLA, and this Court is satisfied that access to the Property is authorized by law.

IT IS HEREBY ORDERED THAT upon service of this Warrant upon Wayne Webster, or upon his duly designated representative, and/or attorney, any employees, officers, or authorized representatives of the EPA, and the United States Marshal, shall be permitted to enter upon the Property to determine the need for response, or to choose or take a response action.

IT IS FURTHER ORDERED THAT employees, officers, and authorized representatives of the EPA, and the United States Marshal, shall be authorized and permitted to enter and re-enter the Property at all reasonable hours to conduct thereon the following activities:

1. To visually inspect all places where a hazardous substance, pollutant or contaminant may be or has been generated, stored, treated, disposed of, or transported from, or to which a hazardous substance or pollutant or contaminant has been or may have been released, or where such release is or may be threatened, or to determine the need for response or the appropriate response or to effectuate a response action under CERCLA.
2. To reinforce the embankment of the uppermost pond and any other ponds in the series of treatment ponds that were formerly used to treat effluent that

discharges from the Rico Argentine Mine's St. Louis Tunnel to prevent sludges and/or sediments from the pond(s) from discharging into the Dolores River.

3. To take necessary steps to allow the effluent to move freely from the St. Louis Tunnel to the uppermost pond and from there to each pond in succession in order to relieve the pressure on the embankments of the ponds.
4. To remove any obstructions preventing effluent from moving freely from the St. Louis Tunnel to the uppermost pond and from there to each pond in succession, including any animals that may be causing such obstructions.
5. To take any samples deemed appropriate.
6. To take photographs, including videotape, to document EPA's activities.
7. To take any further activity deemed necessary by EPA for the purpose of determining the need for response, or to effectuate a response under CERCLA.

IT IS FURTHER ORDERED that the duration of access and response activities authorized by this Warrant shall be of such reasonable length to enable the EPA to satisfactorily complete the above-described activities.

IT IS FURTHER ORDERED that this Warrant shall be valid for a period of thirty (30) days from its date of issuance.

IT IS FURTHER ORDERED that the United States Marshal is hereby authorized and directed to assist employees, officers, and authorized representatives of the EPA in such manner as may be reasonable and necessary to properly execute this Warrant and all the provisions contained herein.

IT IS FURTHER ORDERED that a prompt return of this Warrant shall be made to this Court within one hundred eighty (180) days from the date hereof, showing this Warrant has been executed, and that the entry and activity authorized herein has been completed within the time specified above.

Dated this 19th day of April, 2000.

Bryan Baland

United States District Court
District of Colorado

RETURN OF SERVICE

I hereby certify that a copy of the Warrant was served by presenting a copy of
the same to Mr. Wayne Webster, an agent of _____

_____ on April 24th, 2000, at the location of

Impala South Road - Athens, Tx.

JB Alfred, Sheriff
Henderson County, Texas
by G. Miller, deputy
Official Title

RETURN

Access and response activities described on this Warrant completed on

_____, 2000.

Signed: _____